S.B. Civil Writ Petition No.2332/06
Abdul Hafiz Vs. State & Ors.

Date of Order : 28/03/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Pratap Singh Sirohi, for petitioner

The petitioner is working as Senior Technician and on account of two FIRs registered against him No.102/05 & 167/05 u/ss.420, 406, 467, 468, 371, 120B IPC, challan has also been filed, the petitioner was placed under suspension vide order dt.21st June, 2005 [Ann.3]. The appeal preferred by him has also been rejected by a detailed order dt.16th March, 2006 [Ann.10] wherein the authority has observed that apart from decision taken for filing challan in both the FIRs, even a year has not expired and also considered the nature of allegation levelled against the petitioner while rejecting the appeal preferred by him.

Shri P.S. Sirohi, counsel for petitioner submits that criminal cases which are registered have nothing to do with the nature of duties discharged by him as employee of the Government and it is a private dispute and apart from it, the allegation which has been levelled in FIRs does not in any manner constitute act of misconduct. In such circumstances, decision taken by the respondents placing him under suspension is arbitrary and is also abuse of power of suspension available under Rule 13 of the Rules.

I have considered the submission made by the counsel. Taking note of FIRs registered against him, decision has been taken to place him under suspension which undisputedly is not a penalty inflicted upon the petitioner. I do not find any illegality in the decision of the authority in exercising its power u/s.13 of the Rules.

So far as order of Appellate Authority is concerned, reasons have been assigned in upholding the order of suspension, which is duly supported by the material on record.

Consequently, the writ petition fails and is hereby dismissed.

[Ajay Rastogi],J.

FRB